

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by )  
Personal Representative Mildred Haynes, ) No. 17-cv-862  
Patrick Smith, and Mildred Haynes, on her )  
own behalf, )  
Plaintiffs, ) JURY TRIAL DEMANDED  
v. )  
CITY OF MILWAUKEE, WISCONSIN )  
and DOMINIQUE HEAGGAN-BROWN, )  
Defendants. )

**EXHIBIT 8**

Waldner Deposition Transcript

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900

In the Estate of Sylville K. Smith vs City of Milwaukee, et al.

2:17 cv 862-LA

Transcript of the Testimony of:

**OFFR. NICOLE J. WALDNER**

October 30, 2018

**US  
S  
LEGAL  
SUPPORT**  
The Power of Commitment™

**G**  
**GRAMANN**  
**REPORTING**

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

The ESTATE OF SYLVILLE K. SMITH,  
by Personal Representative Mildred  
Haynes, Patrick Smith, and Mildred  
Haynes, on her own behalf,

Plaintiffs,

vs.

Case No. 2:17 cv 862-LA

CITY OF MILWAUKEE, WISCONSIN  
AND DOMINIQUE HEAGGAN-BROWN,

Defendant.

Deposition of OFFR. NICOLE J. WALDNER

Tuesday, October 30th, 2018

1:07 p.m.

at

CITY ATTORNEY'S OFFICE  
841 North Broadway  
Milwaukee, Wisconsin

Reported by Sandra K. Nelson

Registered Professional Reporter

1 Deposition of OFFR. NICOLE J. WALDNER,  
2 a witness in the above-entitled action, taken at  
3 the instance of the Plaintiffs, pursuant to the  
4 Federal Rules of Civil Procedure, pursuant to  
5 Notice, before Sandra K. Nelson, RPR and Notary  
6 Public, State of Wisconsin, at the CITY  
7 ATTORNEY'S OFFICE, 841 North Broadway, Suite 716,  
8 Milwaukee, Wisconsin 53202-3515, on the 30th day  
9 of October, 2018 commencing at 1:07 p.m. and  
10 concluding at 2:01 p.m.

A P P E A R A N C E S :

LOEVY & Loevy, by  
Ms. Danielle Hamilton  
311 North Aberdeen Street, Suite 300  
Chicago, Illinois 60607  
Appeared on behalf of Plaintiffs;

CITY ATTORNEY'S OFFICE, by  
MS. Naomi E. Gehling  
841 North Broadway, Suite 716  
Milwaukee, Wisconsin 53202-3515  
Appeared on behalf of Defendant.

## EXAMINATION

BY MS. HAMILTON:

3

E X H I B I T S

EXHIBIT NO.

PAGE IDENTIFIED

Exh. 13 Topic Acknowledgment for Dominique Heaqqan

21

## TRANSCRIPT OF PROCEEDINGS

OFFR. NICOLE J. WALDNER, called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

## EXAMINATION

BY MS. HAMILTON:

Q Good afternoon.

A Hi.

Q My name is Danielle Hamilton. I represent the plaintiffs in this case. Can you state your name and spell it for the record?

A      Nicole Waldner; N-I-C-O-L-E, W-A-L-D-N-E-R.

Q And where are you currently employed?

A Milwaukee Police Department.

Q And what is your title there?

A Captain-training director.

Q Okay. And what is the captain or the training director -- what are the job responsibilities?

A All training of new recruits, police aides, and continuous training for veteran officers.

Q Do you provide continuous training for police officers after they've passed the recruitment period?

A Yes. Those were the veterans I meant. That's what I was referring to.

1 A I don't know of any.

2 Q And officers are not allowed to pick and choose

3 which topics they acknowledge or don't

4 acknowledge, correct?

5 A No. On the computer screen, every single one of

6 them that is new or changed is listed.

7 Q And they're required, pursuant to the rules of

8 the department, in training to review those topic

9 acknowledgments and acknowledge that they've read

10 them; is that correct?

11 A Yes.

12 Q And would officers be able to -- take use of

13 force, for example. If an officer had not signed

14 the standard operating procedure for use of

15 force, would they be able to use force out in the

16 field?

17 A Sign it? You mean as a topic acknowledgment?

18 Like the change?

19 Q Right.

20 A Yes, they would still use force.

21 Q So there's no requirement from a training

22 perspective that they acknowledge these topics in

23 order to be able to -- if we're using force as an

24 example, there's no requirement they have to sign

25 the standard operating procedure for use of force

1                   in order to use force out in the field?

2   A    No.  They would have had that -- this in  
3                   training.

4                   But the change -- I don't know  
5                   that there's a way to determine -- well,  
6                   apparently there is.  I've never seen this  
7                   before, like, if they read it or not.

8   Q    Okay.  I think -- I don't have any more questions  
9                   about this so you can put that aside.

10   A    This?

11   Q    Yeah.  So what are training officers given  
12                   regarding whether they can use force -- use  
13                   lethal force against a civilian?

14   A    That would be in the use of force training within  
15                   the recruit program and then if it comes up as an  
16                   in-service topic.

17   Q    How do topics come up as in-service?

18   A    Many different ways.  Some of them are dictated  
19                   by the state, some of them will be dictated by  
20                   the executive staff, there's other committees.

21                   And I tend to -- well, I used to  
22                   go to internal affairs and say, "What are you  
23                   seeing as a trend that I need to train?  Like  
24                   what are we getting wrong?  Where are the  
25                   complaints coming from?"